

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1966 OF 2014
WITH
CRIMINAL APPLICATION NO. 1967 OF 2014

Renu w/o. Ajit Zarekar

....Applicant.

Versus

Suresh s/o. Bajrang Zarekar
and others

....Respondents.

Mr. U.S. Malte, Advocate for applicant in both matters.

Mr. M.M. Nerlikar, APP for State in both matters.

Mr. R.N. Dhorde, Senior Counsel i/b. Shri. A.C. Darandale,
Advocate for other respondents in both matters.

CORAM : T.V. NALAWADE, J.
DATED : 24th February, 2015.

ORDER :

1. The applications are filed under section 439 (2) of Criminal Procedure Code for cancellation of relief of anticipatory bail granted in favour of respondents. The orders were made by the learned Additional Sessions Judge, Ahmednagar in C.R. No. 51/2014 registered for offences punishable under sections 498-A, 323, 34 etc. of I.P.C. and sections 66-A of the Information Technology Act. Both the sides are heard. The learned APP submitted that appropriate order may be passed.

2. The matter is very peculiar. Present applicant is lady advocate. Her husband was also advocate. The husband committed suicide on 14.10.2013 in the house where he was cohabiting with present applicant from Aurangabad. In the suicide note, he blamed present applicant, wife and the parents of wife. In view of the suicide note, the crime came to be registered against present applicant for the offences punishable under sections 306, 34 etc. of I.P.C. Present complaint came to be given on 18.2.2014. In the report, present applicant has made allegations that she was cohabiting with deceased in aforesaid house and there were her articles which included furniture, electronic gazettes, scooter and other household articles. It is her case that all the articles were belonging to her and the articles included gold ornaments also. It is her case that these articles are not returned to her by the respondents, relatives of the deceased husband. She has also made allegation that illtreatment was given to her. The respondents are relying on the suicide note and will left behind by the deceased.

3. In view of the aforesaid peculiar circumstances, the registration of the crime against the present applicant for the offences punishable under sections 306 etc. of I.P.C., the Sessions Court held that protection needs to be given to the

respondents and accordingly, protection was given. The applications are made for cancellation of those orders. During argument, it became clear that scooter which is standing in the name of present applicant in R.T.O. record is with the respondents and so, this Court made some observations in the order dated 4.2.2015 and scooter came to be produced in the police station and now it is returned to the present applicant.

4. The learned counsel for the applicant placed reliance on the following cases :-

(i) SLP (Cri.) No. 9839/2013 with 8940/13 dt. 2.1.2014 [Sujatabai & Ors. Vs. State of Maharashtra],

(ii) 2013 ALL MR (CRI) 3984 [State of Maharashtra Vs. Esarar Ahmedkha s/o. Osmankha & Anr.],

(iii) 2013 ALL MR (CRI) 3463 [State of Maharashtra Vs. Nabiur Rehman s/o. Faizure Rehman],

(iv) (2012) 12 Supreme Court Cases 455 [Jarasindhu Choubey Vs. Amresh Chaubey alias Amersh Kumar Choubey and Anr.],

(v) (2001) 6 Supreme Court Cases 338 [Puran Vs. Rambilas and Anr.],

(vi) (2009) 1 Supreme Court Cases 678 [Brij Nandan Jaiswal Vs. Munna alias Munna Jaiswal and Anr.],

(vii) 2000 ALL MR (Cri) 1102 [Say Gaud Kondagaud Bhurewar & Anr. Vs. The State of

Maharashtra & Ors.],

**(viii) (2008) 5 Supreme Court Cases 66
[Dinesh M.N. (S.P.) Vs. State of Gujarat],**

**(ix) 1997 AIR (SC) 3806 [State Through
Central Bureau of Investigation Vs. Anil
Sharma],**

**(x) (2012) 12 Supreme Court Cases
180 [Kanwar Singh Meena Vs. State of
Rajasthan and Anr.],**

**(xi) 1958 Cri.L.J. 701 (Vol. 59, C.N.
216) (1) [Talab Haji Hussain Vs. Madhukar
Purshottam Mondkar and Anr.],**

**(xii) 1982 CRI.L.J. 2148 [Sukar Narayan
Bakhia Vs. Rajnikant R. Shah and Anr.],**

**(xiii) 1962 AIR (SC) 1471 [Hem Nolini
Judah (Since deceased) Vs. Isolync
Saroibashini Bose].**

5. There cannot be dispute over ratios of aforesaid cases. Facts of cases were different. In view of the peculiar facts and circumstances of this case, this Court holds that it is not desirable to cancel the relief granted by the Sessions Court in favour of respondents. Cancellation of such relief is a serious matter.

6. In the result, the applications stand rejected.

[T.V. NALAWADE, J.]

ssc/